

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Angelita Mangindin, et al.,

NO. C 09-01268-JW

Plaintiffs,

v.

Washington Mutual Bank, et al.,

Defendants.

**ORDER VACATING HEARING ON
ORDER TO SHOW CAUSE RE:
DISMISSAL; SETTING DEADLINE TO
FILE RESPONSIVE PLEADINGS OR
DISPOSITIVE MOTIONS**

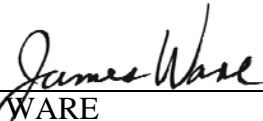
On June 18, 2009, the Court issued an Order dismissing Plaintiffs' Complaint. (See Docket Item No. 24.) The Court granted Plaintiffs leave to amend, and ordered Plaintiffs to file an amended Complaint on or before June 29, 2009. (Id.) On July 1, 2009, in light of Plaintiffs' failure to file an amended complaint, the Court issued an Order to Show Cause Re: Dismissal, ordering Plaintiffs to appear on July 13, 2009 to show cause why this action should not be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (See Docket Item No. 25.) The Court also ordered Plaintiffs to file a certificate setting forth the reason that no amended complaint had been filed. (Id.)

On July 7, 2009, Plaintiffs timely filed a response to the Court's July 1, 2009 Order to Show Cause, explaining that due to the resignation of the attorney responsible for handling Plaintiffs' case, Plaintiffs' file was temporarily misplaced. (See Docket Item No. 26.) Plaintiffs also filed an Amended Complaint. (See Docket Item No. 27.)

In light of Plaintiffs' representations, the Court ORDERS as follows:

- (1) For good cause shown, the July 13, 2009 Order to Show Cause hearing is VACATED.
- (2) Plaintiffs' July 7, 2009 Amended Complaint shall serve as the operative Complaint in this action.
- (3) Defendants shall file a responsive pleadings or appropriate dispositive motion on or before **August 10, 2009**. Briefing on any Motions shall be conducted in accordance with the Civil Local Rules of the Court.
- (4) The Court will set a Case Management Conference in its Order addressing Defendants' anticipated Motions.

Dated: July 8, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 David C. Scott dscott@mccarthyholthus.com
3 James Michael Hester jhester@mccarthyholthus.com
4 Matthew Edward Podmenik lrodriguez@mccarthyholthus.com
5 Reuben Lagbao Nocos rlnocos@nocoslaw.com

6 **Dated: July 8, 2009**

Richard W. Wieking, Clerk

8 **By: /s/ JW Chambers**

9 **Elizabeth Garcia**
10 **Courtroom Deputy**